

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.09.2018

CORAM

THE HONOURABLE Mr.JUSTICE V.BHARATHIDASAN

W.P.No.21857 of 2018

and

W.M.P.No.25633 of 2018

D.Radhakrishnan

... Petitioner

Vs

1. The Co-operative Sub-Registrar/
Section 81 Enquiry Officer,
Office of the Deputy Registrar of Co-operative Societies,
Perambalur.

2. R-413, Ogalur Primary Agricultural
Co-operative Credit Society,
represented by its Secretary,
Ogalur Village and Post,
Kunnam Taluk,
Perambalur District

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari, calling for the records of the first respondent in her proceedings under Section 82 of the Tamilnadu Co-operative Society Act bearing No.Nil dated 06.08.2018 and quash the same.

For Petitioner : Mr.G.Ilamurugan

For Respondents : Mr.L.P.Shanmugasundaram
Special Government Pleader

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This writ petition has been filed challenging the notice issued under Section 81 of the Tamil Nadu Co-operative Societies Act directing the petitioner to appear before the Enquiry Officer and submit his objections.

2. The grievance of the petitioner is that in respect of the very same charge, already a proceeding has been initiated under Section 82 of the Tamil Nadu Co-operative Societies Act

and based on that, a Surcharge Proceeding has also been initiated against the petitioner. Now, once again, an enquiry has been ordered under Section 81 of the Tamil Nadu Co-operative Societies Act, which is not permissible under law. Hence, the present writ petition is filed.

3. The learned counsel appearing for the petitioner reiterated the averments made in the petition and submits that already very same charge has been enquired into and which has been ended in a proceedings under Section 87 of the Act. Now, it is not open to the respondents once again to conduct another enquiry under Section 81 of the Act.

4. I have heard the rival submissions and perused the materials available on record.

5. On a perusal of records, it would show that earlier proceedings under Section 87 of the Act have been initiated in respect of allegations regarding misappropriation of funds of society. But the present enquiry under Section 87 has been initiated in respect of the allegations regarding construction of toilets and godown, and it has nothing to do with the earlier proceedings initiated under Section 81 of the Act. That apart, it is only a notice requiring the petitioner to appear for enquiry. If at all, the petitioner has any grievance, it is always open to him to appear before the respondent and submit his objection and participate in the enquiry, and, he cannot challenge the enquiry notice. In the said circumstances, I find no merit in the writ petition.

6. Accordingly, this writ Petition is dismissed. At this juncture, the learned counsel for the petitioner submitted that already the petitioner has submitted his objections on 14.08.2018 before the first respondent. Hence, the First Respondent/Enquiry Officer is directed to consider the petitioner's objection and pass suitable order on merits and in accordance with law after giving opportunity to the petitioner. No costs. Consequently connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS V)

//True Copy//

Sub Assistant Registrar

mrp

To

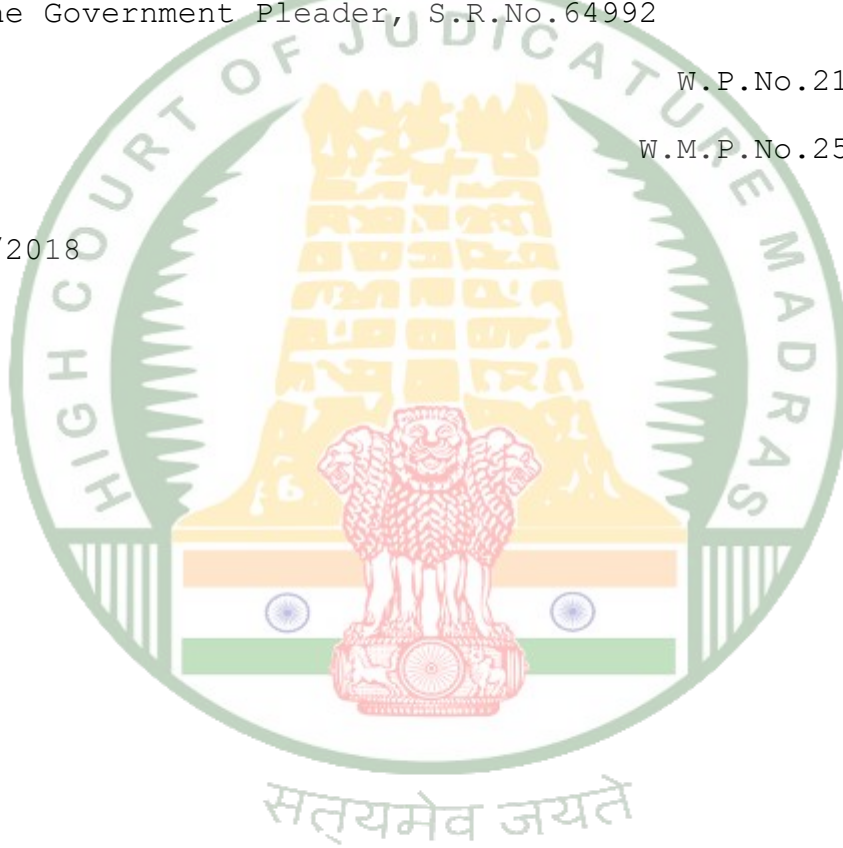
The Co-operative Sub-Registrar/
Section 81 Enquiry Officer,
Office of the Deputy Registrar of Co-operative Societies,
Perambalur.

+1cc to Mr.G.Ilamurugan, Advocate, S.R.No.64746
+1cc to Mr.L.P.Shanmugasundaram, Advocate, S.R.No.64494
+1cc to the Government Pleader, S.R.No.64992

W.P.No.21857 of 2018
and
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RSI (CO)

rrs 26/10/2018



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